

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

Important Notice to Pharmacists

Expansion of Official New York State Prescription Program

The new Public Health Law to combat prescription fraud will go into full effect on April 19, 2006, when **all** prescriptions written in New York—for both controlled and non-controlled substances—must be written on an official New York State prescription. Important information about the new law is contained in the points below and in the ‘Questions and Answers for Pharmacists’ that follow:

- Beginning April 19, 2006, pharmacists may fill non-official prescriptions from New York practitioners for non-controlled substances until October 19, 2006. The pharmacist must also notify the Official Prescription Program of the prescribing practitioner so he/she may be issued official prescriptions for subsequent prescribing.
- Effective April 19, 2006, New York State hospitals and their affiliated clinics are exempt from the requirement for their staff practitioners to prescribe non-controlled substances on official prescriptions. Pharmacists may dispense prescriptions for non-controlled substances issued on hospital prescriptions through April 19, 2007.
- Also effective April 19, 2006, practitioners in the comprehensive voluntary non-profit diagnostic and treatment centers designated below are also exempt from the requirement to prescribe non-controlled substance medications on official New York State prescriptions. Through April 19, 2007, pharmacists may dispense prescriptions for non-controlled substances issued on prescriptions in the name of the following comprehensive voluntary non-profit diagnostic and treatment centers:
 1. Brownsville Multi-Service Family Health Center
 2. Callen Lorde Community Health Center
 3. Charles B. Wang Community Health Center
 4. Community Health Center of Buffalo
 5. Cumberland Diagnostic & Treatment Center
 6. Dr. Martin Luther King, Jr. Health Center
 7. East New York Diagnostic & Treatment Center
 8. Gouverneur Healthcare Services
 9. Hudson River Community Health Care
 10. Institute for Urban Family Health
 11. Joseph P. Addabbo Community Health Center
 12. Morris Heights Health Center
 13. Morrisania Diagnostic & Treatment Center
 14. Renaissance Health Care Network Diagnostic & Treatment Center
 15. Segundo Ruiz Belvis Diagnostic & Treatment Center
 16. Urban Health Plan

IMPORTANT NOTE: The above prescribing exemptions do **not** apply to the prescribing of controlled substances. **Written prescriptions for controlled substances must be written on an official New York State prescription.**

- Official prescriptions generated by practitioners using printers in an electronic medical record system (EMR) will contain a variety of different formats and fonts. All are valid for dispensing if they contain all information required by New York law.
- Pharmacists may continue to fill non-official prescriptions issued by out-of-state practitioners if the prescriptions contain all information required by New York law.

Questions and Answers for Pharmacists Regarding the New Official Prescription Program

1. Beginning April 19, 2006, can I dispense a non-official prescription that is dated on or after April 19, 2006?

A. Yes, provided that:

- The prescription is **not** for a controlled substance;
- the prescription is regarded as a written memorandum to an oral prescription; and
- the pharmacist must report the name of the prescribing practitioner to the Bureau of Narcotic Enforcement. Pharmacists may do so on a form obtained by contacting the Bureau at 1-866-811-7957.

2. Are prescriptions and their refills valid if they are not written on the official prescription and are dated before April 19, 2006?

A. Yes. Prescriptions issued before April 19th, including the refills of such prescriptions, are valid.

3. Can a practitioner place a sticker on the official prescription that
a) contains the patient's information; and/or
b) contains the drug name and directions.

A. No. As of April 19, 2006, practitioners will no longer be able to place stickers on official prescriptions because they compromise the security features of the official prescription.

4. How do you define "staff physician/practitioner"?

A. A staff practitioner means a practitioner who is employed by, has admission privileges with, or is otherwise affiliated with a registered facility.

5. Can the new official prescriptions be faxed without obstructing the information written on the prescription?

A. Yes. However, when a practitioner sends an official prescription via fax, the words "void" appear in the background of the prescription. This is a security feature of the official prescription to prevent it from being photocopied. As with any prescription, if the pharmacist is not familiar with the practitioner or patient, it would be prudent to verify the authenticity of the prescription before dispensing.

6. Will New York State pharmacies still honor prescriptions written by an out-of-state practitioner?

A. Yes. New York State pharmacies can fill out-of-state prescriptions as long as they contain all the information required by NYS Law. Out-of-state prescriptions do not need to be written on NYS Official Prescription forms. The information from dispensing of out-of-state controlled substances prescriptions must be reported to the Department of Health by the 15th of the month following the month in which the dispensing took place. In the serial number fields, pharmacists should submit eight of the letter "Z".

7. Are hospital clinics also exempt from using official prescriptions under the new law? Will the new form replace the pads practitioners are using now?

A. The exemption from the requirement to use official prescriptions to prescribe non-controlled substances also applies to clinics that are listed on the hospital's operating certificate. It is important to note that an official prescription is always required for the prescribing of controlled substances. All single-part official prescriptions are valid for prescribing controlled substances.

8. Can a pharmacist accept an electronic prescription for a controlled substance?

A. No. Currently, only prescriptions for non-controlled substances may be transmitted from a practitioner to a pharmacy by electronic means. Electronic prescriptions must be transmitted in compliance with requirements established by the New York State Board of Pharmacy. For more information, please contact the NYS Board of Pharmacy at (518) 474- 3848 ext 130.

9. Can a pharmacist dispense a faxed official prescription for a controlled substance?

A. Yes. Under the same parameters as dispensing an oral prescription. Except for in the case of a schedule IV non-benzodiazepine substance, the quantity on a faxed prescription is limited to a 5-day supply and the practitioner must send the original official prescription to the pharmacy within 72 hours.

10. Are there other circumstances when a pharmacist may dispense a faxed prescription for a controlled substance?

A. Yes. A pharmacist may dispense a faxed official prescription for up to a 30-day supply of a controlled substance for patients in hospice programs, Residential Health Care Facilities, and for those prescriptions to be compounded for direct administration by infusion.

11. Is the prescribing practitioner who faxes a controlled substance prescription for a hospice or RHCF patient or for a prescription to be compounded by infusion required to provide the pharmacist with a written follow-up prescription?

A. Yes. The practitioner must send the pharmacist the original official NYS prescription within 72 hours.

12. What if the pharmacist does not receive such original official NYS prescription within 72 hours?

A. The pharmacist is required to notify the Bureau of Narcotic Enforcement in writing within 7 days of dispensing the controlled substance.

13. Is a pharmacy required to verify the identity of a person picking up a dispensed prescription for a controlled substance?

A. Yes. If the person is unknown to the pharmacy, he or she must present appropriate identification.

14. What controlled substances can a licensed Nurse Practitioner prescribe?

A. If a licensed Nurse Practitioner is registered with DEA, he or she may prescribe schedule II, III, IV, and V controlled substances.

15. What controlled substances can a licensed Physician's Assistant prescribe?

A. A licensed Physician's Assistant may prescribe schedules III, IV, and V controlled substances, if authorized by his or her supervising physician to do so and registered with DEA. **It is important to note that Physician's Assistants may not prescribe schedule II controlled substances.**

16. Is an official prescription written by a Physician's Assistant required to be countersigned by the supervising physician?

A. No, however, official prescriptions written by a Physician's Assistant must contain the imprinted (stamped or typed) name of both the Physician's Assistant and the Supervising Physician.

17. Can a practitioner still use a rubber stamp with their DEA# when prescribing on the Official New York State prescription form?

A. Yes.

18. Does a practitioner dispensing a controlled substance have to submit information to the BNE?

A. Yes, starting 4/19/06, dispensing information from all dispensed controlled substances must be submitted electronically through their Health Provider Network (HPN) Account.

19. Does an official prescription form need to be issued when a practitioner dispenses a controlled substance from his/her office?

A. No.

20. Does a practitioner have to possess a DEA registration in order to receive official prescriptions?

A. No. However, practitioners that do not possess a DEA registration number are prohibited from issuing prescriptions for controlled substances.

21. Are practitioners without a DEA registration allowed to use the facility's DEA number when issuing controlled substance prescriptions for patients of such facility?

A. No. Practitioners who are eligible for a DEA registration must possess their own DEA registration number to issue controlled substance prescriptions. The only practitioners who, upon authorization from the facility, may use the facility's DEA number to issue controlled substance prescriptions for patients of such facility are residents, interns and foreign physicians. Residents, interns and foreign physicians are not eligible for their own DEA registration number.

22. Pharmacist asks: Do I have to pull the original prescription and sign it every time I refill a controlled substance?

A. Yes. Each time a controlled substance is dispensed, the dispensing pharmacist must sign the actual prescription form, date it, and indicate the quantity dispensed.

23. Pharmacist asks: My computer system generates a sticker when I refill a controlled substance prescription. Will the regulations be satisfied if I place this sticker on the back of the controlled substance prescription?

A. No. All controlled substance prescriptions require the signature of the dispensing pharmacist as well as the date of dispensing and the quantity dispensed. A computer-generated sticker may be used for the date of dispensing and quantity dispensed, but **not** the signature of the dispensing pharmacist.